

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.6596 of 2021**

Arising Out of PS. Case No.-253 Year-2020 Thana- KONCH District- Gaya

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Mithlesh Kumar Mishra Son of Late Rambodh Mishra. Resident of Village-  
Kanausi, P.S.- Konch, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sarvesh Chandra Mishra Son of Late Krishna Mishra. Resident of Village-  
Kanausi, Post- Kanausi, P.S.- Konch, District- Gaya.

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Ranjit Kumar

For the Opposite Party/s : Mr. A.G.

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**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR**  
**ORAL ORDER**

5      07-02-2022                      Heard   learned   counsel   for   the   petitioner,  
  
complainant and learned APP for the State.

Learned counsel for the petitioner is expected  
  
to honour his undertaking given in the instant case for  
  
depositing the requisite court fee and to remove the  
  
defects as pointed out by the office when called upon to  
  
do so by the office.

The petitioner is apprehending his arrest in a  
  
case registered for the offences punishable under  
  
Sections 420, 504, 506, 34 of the Indian Penal Code.

The prosecution case as per F.I.R is that the



informant and one Kundan Kumar Mishra were searching a land for opening of a college. In search of land, they came to know that this petitioner has to sell his land. Accordingly, on payment of consideration amount of Rs. 18 lakhs, the land in question was decided to be executed in favour of the informant. However, on receiving payment of Rs. 17,92,000/- the petitioner denied to execute the sale deed.

It is submitted by learned counsel for the petitioner that petitioner is owner of the land in question and no paper agreement has been done between the petitioner and informant. In fact, only assurance paper has been made between the nephew of the petitioner namely Arun Mishra and the informant without any consent of the petitioner. The petitioner has not received any amount from the informant. It is further submitted that nephew of the informant Arun Mishra has been granted bail by a coordinate Bench of this Court vide order dated 20.05.2021 passed in Cr. Misc. No. 10480



of 2021, subject to refund of Rs. 18 lakhs to the informant and in pursuance to the order of this Court, Arun Mishra has already paid Rs. 18 lakhs to the informant. A supplementary affidavit to that effect has been filed by the petitioner.

Considering the aforestated facts, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of four weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/-(Ten Thousands) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya in connection with Konch P.S. Case No. 253 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

**(Sunil Kumar Panwar, J)**

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